

III. REMARKS

1. Claims 1-52 remain in the application.
2. The specification has been amended to add headings in compliance with US practice.
3. The Abstract of the Disclosure has been amended to comply with MPEP 608.01(b).
4. Applicant has amended the specification to properly cite the application mentioned in the IDS filed on 6 November 2000.
5. Claims 16, 34, and 52 meet the enablement requirement of the first paragraph of 35 USC 112.

The specification provides a clear basis for the term "UAPProf information message." Examples of pertinent sections of the specification include the following: On page 1, line 5, the acronym WAP is defined as Wireless Application Protocol. Information regarding Wireless Application Protocol is known and readily available to anyone skilled in the art from the WAP specifications. On page 5, lines 17-23, a user agent profile (UAPProf) is explained. On page 14, lines 22-38 disclose that a UAPProf message may be used as a connection set up message.

For these reasons, Applicant submits that the disclosure includes sufficient information to enable one skilled in the pertinent art to make and use the invention of claims 16, 34, and 52.

Further support for claims 34 and 52, especially the wireless terminal features, can be found in the specification, for example, in the paragraph starting on page 20, line 29.

6. Claims 1-52 do not improperly extend the right to exclude granted in US Patent 6,501,741 as stated in the Double Patenting Rejection.

The disclosure of the present application and US Patent 6,501,741 are unrelated. Furthermore, Applicant finds no relationship between the claims of the present application and claims 1-9 of US Patent 6,501,741 ("the '741 patent").

6.1 The disclosure of the '741 patent clearly concerns Quality of Service (QoS) during wireless connections. See, for example, column 5 lines 20-43, column 11, line 64, to column 12, line 6, and column 13, lines 38-52, of the '741 patent. QoS is a term of art, and a skilled person in the art understands that the concept of QoS is related to the capacity and performance, in particular, delays, bit error rates, and retransmission rates, of the wireless connection (radio channel) itself and not in any way related to the capabilities of the wireless terminal.

All the teachings of the '741 patent only relate to the way in which the limited resources of the radio channel can be optimally divided between several wireless terminals. Thus, the problem, or limiting "bottle neck", is in the wireless connection itself, and the '741 patent is concerned with providing the proper QoS for a particular connection, also referred to as a radio flow.

There is no reference to QoS in the present application. In contrast to the '741 patent, the present application is concerned with addressing the (possibly) limited capabilities of a terminal to handle different kinds of multimedia components. This requires the application of completely different types of

measures including storing information about the terminal and transmitting multimedia components that the terminal can handle.

6.2 Claims 1-9 of the '741 patent are directed to supporting the QoS in packet data transmission. As mentioned above, one skilled in the art would know that QoS is a measure of the wireless connection (radio channel) and not related to the capabilities of the terminal. In contrast, the claims of the present invention are directed to implementing a multimedia messaging service between a terminal and a server.

6.2.1 Comparing claim 1, the Office Action equates "multimedia message component" of the present application with "radio flow" of the '741 patent. Column 8, lines 14-19 of '741 defines "radio flow"

In this specification, data flow refers to the transmission of data packets belonging to the same communication/application. Respectively, wireless data flow refers to the transmission of data packets belonging to the same communication/application, advantageously via the radio channel, whereby also the term radio flow is used.

Radio flow is clearly not the same as a multimedia message component.

6.2.2 "One property of the wireless terminal" of claim 1 of the present application is equated with "flow identification" of '741.

Column 11, lines 16-49 of '741 describes flow identification as an identification of a transmission sent from a mobile device that is used to match a transmission sent from an access point in order to assign a proper QoS. There is no disclosure that

relates 'flow identification' with a property of wireless terminal.

6.2.3 "[Multimedia] components ... transmitted to the wireless terminal" as recited by claim 1 of the present invention is said to be the same as "quality of service" from the '741 patent.

The proper definition for a multimedia message can be found in the present specification, for example, on page 9, line 33, through page 10, line 19. When comparing this definition to the description of QoS it is clear that multimedia components are not the same as quality of service.

6.3 Furthermore, the terms RFID, MSID and IMEI (column 11, lines 16-49 in the '741 patent) do not include or suggest including any information about the capabilities of the terminal in the sense of handling certain components of a multimedia message.

At least for these reasons, Applicant respectfully traverses the double patenting rejection of claims 1-52.

7. Applicants respectfully submit that claims 1-52 are patentable over the combination of Burgaleta Salinas et al. (US 6,469,998, "Salinas") in view of Forslow (US 6,608,832). The combination of Salinas and Forslow fails to disclose or suggest the following features of claim 1:

determining if there is any component of the multimedia message which the wireless terminal can handle according to the stored information on at least one property of the wireless terminal, wherein if there exists one or more such

components, they are selected for transmission and transmitted to the wireless terminal.

Similar features are recited by claims 19 and 35.

The current invention relates to the general idea that information on the properties of the wireless terminal (i.e. the terminal's capability to handle multimedia components) is stored in the multimedia messaging system and therefore that information does not have to be transmitted in connection with each message. The benefits of this are clear, reducing unnecessary data transmission between the terminal and the system.

Salinas presents a method for dynamical addressing in a packet-switched mobile communication network. The problem to be solved is how to associate dynamic IP address to the proper mobile subscriber identified in the mobile network (see, for example, column 5, lines 16-39). Here again the interest is more or less in how the limited resources of the network can be divided among several mobile terminals effectively. Salinas does not in any way focus on multimedia messages or how different components of such a message are handled by the system.

As the Examiner himself also admits, Salinas remains totally silent regarding information on at least one property of the terminal is stored in the server. The Examiner further states that Salinas fails to disclose determining if there is any component of the multimedia message which the wireless terminal can handle according to the stored information on at least one property of the wireless terminal, wherein if there exists one or more such components, they are selected for transmission and transmitted to the wireless terminal. (See page 6, second

paragraph in the Office Action). From the Examiner's comments related to this, it is clear that the Examiner interprets that such information simply includes, for example, the name, identifier, address or protocol related to the terminal. However, these are matters related merely to authentication needs, which is not in any way related to the present invention.

The Examiner turns to Forslow to supply these missing features. However, according to the Applicant's interpretation, Forslow relates again to the concept of Quality of Service. This becomes clear, for example, from column 5, lines 22-36. Even if Forslow does mention multimedia applications, it does not contain any teachings related to how a single multimedia message is handled by the system taking into account the capabilities of the mobile terminal.

Neither Salinas, Forslow, nor the combination of both references gives any teachings hinting that it would be advantageous to store information about the capabilities of a terminal to handle multimedia message components in the communication network. Forslow mentions Home Visitor Register (HLR) (see column 3, lines 10-23), but such information is only used and required for authentication purposes.

At least for these reasons, Applicant respectfully submits that independent claims 1, 19, and 35, and dependent claims 2-18, 20-34, and 36-42 are patentable over the combination of Salinas and Forslow.

The combination of Salinas and Forslow also fails to disclose or suggest a wireless terminal and a server, where the server stores information on at least one property of the wireless terminal, and the wireless terminal includes means for

requesting a component of the multimedia message to be transmitted without identifying the component, as recited by claim 43.

Applicants find no disclosure in Salinas or Forslow of this feature. At least for these reasons Applicants submit that independent claim 43 and dependent claims 44-52 are patentable over the combination of Salinas and Forslow.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$110.00 is enclosed for a one (1) month extension of time and on account of the additional claim fees.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

Joseph V. Gamberdell, Jr.
Joseph V. Gamberdell, Jr.
Reg. No. 44,695

2 June 2004
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Date: 6/2/2004

Signature: Margaret Minner
Person Making Deposit